

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONVERSE, INC.,

Plaintiff,

v.

ALON INTERNATIONAL, S.A.,

Defendant.

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Case No. 04-12591-PBS

**ALON INTERNATIONAL, S.A.'S MEMORANDUM
IN SUPPORT OF PROPOSED ORDER**

Defendant Alon International, S.A. ("Alon") submits the attached proposed order for entry by the Court.

In view of Alon's understanding of the Court's preference for memoranda over letters from counsel, Alon submits this short memorandum in response to the letter submitted by Converse, Inc.'s counsel on June 2, 2005:

1. At the June 1, 2005, hearing, this Court orally vacated the Order entered on May 27, 2005, by Judge Joseph L. Tauro ("Status Quo Order") and authorized Alon to submit a proposed order for entry by this Court.
2. Alon hereby submits a proposed order.
3. By letter from its counsel, Converse has proposed an order that states as follows: "The Court hereby vacates the order of Judge Tauro entered on May 27, 2005."

4. Alon's attached proposed order is substantively the same as Converse's with several additions that Alon considers necessary:

- First, Alon's order identifies "the order of Judge Tauro" more precisely by simply stating:

On May 27, 2005, Judge Joseph L. Tauro entered an Order (hereinafter denominated the "Status Quo Order") providing that the "parties shall maintain the status quo with respect to all aspects of this case until Judge Saris returns, or further order of this court."

- Second, Alon's order refers to the hearing which took place before the Court on June 1, 2005.
- Finally, Alon's order states that the Status Quo Order is vacated and "is of no force or effect." That phrase ("no force or effect") is necessitated because:
 - Converse has filed the Status Quo Order in the Brazilian courts.
 - Converse is using the Status Quo Order in the Brazilian proceedings to gain legal and financial advantage over Alon.
 - The term "vacate" is a legal term of art that may not be known to or understood fully by a Brazilian court. To assure that the Brazilian litigation gets resolved based on Brazilian legal issues and not this Court's "Status Quo Order" that Converse has injected there, the vacatur of the Status Quo Order should be explained briefly in "plain English," namely as having "no force or effect."

WHEREFORE, Defendant Alon International, S.A. respectfully requests that the Court enter the attached proposed Order.¹

Dated: June 3, 2005.

Respectfully submitted,

/s/ Richard A. Johnston

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¹ Alon objects to Converse's actions and statements in its letter, including its failure to contact Alon's Florida counsel to confer in the temporary absence of Massachusetts counsel and then filing its objection to a proposed order that had not yet even been submitted to the Court by Alon. In the interest of sparing the Court further argument on this matter, Alon simply notes its disagreement with Converse's arguments.

